



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EMN:SPN/AH
F.#2015R00747

271 Cadman Plaza East
Brooklyn, New York 11201

November 3, 2015

By ECF and Hand

The Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Jeffrey Webb, et al.
Criminal Docket No. 15-252 (RJD) (RML)

Dear Judge Dearie:

The government respectfully submits this letter to request a one-month adjournment of the status conference currently scheduled for November 18, 2015, at 10:00 a.m. Defense counsel for the three defendants who have appeared in the case to date, Alejandro Burzaco, Aaron Davidson, and Jeffrey Webb, have been consulted and consent to the request.

Should the Court grant the government's request for an adjournment, the government respectfully requests that the Court exclude the time between November 18, 2015 and the next status conference under the Speedy Trial Act on the ground that the ends of justice served by taking such an action outweigh the best interest of the public and the defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). In determining whether a continuance serves the ends of justice, courts are to consider whether the case is so complex that, absent a continuance, it would be unreasonable to expect adequate preparation for trial or pretrial proceedings. See id. § 3161(h)(7)(B)(ii). In making that determination, courts consider “the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law.” Id. Here, the Court previously designated the case as complex without objection from the defendants. The Speedy Trial Act also provides that time is automatically excluded for up to one year if, upon motion of a party, the court finds by a preponderance of the evidence that an “official request, as defined in section 3292 of this title, has been made for evidence of any such offense” and it “reasonably appears” that evidence is in a foreign country. Id. § 3161(h)(8). The government

has in fact submitted requests to numerous foreign countries for evidence, including bank records, via mutual legal assistance treaties, which constitute “official requests” under the statute. See id. § 3292 (d) (defining “official request” to include “a request under a treaty or convention . . . to a court or other authority of a foreign country”). Finally, because other defendants are pending extradition to the United States and thus have not yet been arraigned on the indictment, time is automatically excluded under the Speedy Trial Act. See id. § 3161(h)(6).

Respectfully submitted,

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By: _____/s/
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cc: Clerk of Court (RJD) (by ECF)
All defense counsel (by ECF)

SO ORDERED,

THE HONORABLE RAYMOND J. DEARIE
UNITED STATES DISTRICT JUDGE